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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,484.	08/29/2001	Kevin McCarthy	367.40541X00	4845

22907 7590 01/29/2007
BANNER & WITCOFF
1001 G STREET N W
SUITE 1100
WASHINGTON, DC 20001

EXAMINER

PESIN, BORIS M

ART UNIT	PAPER NUMBER
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2174

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/940,484

Applicant(s)

MCCARTHY, KEVIN

Examiner

Boris Pesin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/03/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

This communication is responsive to the amendment filed 11/03/2006.

Claims 16-37 are pending in this application. Claims 16, 18, 30, 31, and 37 are independent claims. In the amendment filed 11/03/2006, claims 16, 18-31 were amended and 32-37 were added as new. This action is made Non-Final.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16, 17, 18, 19, 20, 30, 31, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumar (US 5648760) in view of King et al. (US 6011554)

In regards to claim 16, Kumar teaches a method of handling reminders in a handportable wireless communication terminal comprising a limited memory storing a reminder application, and not storing a calendar application, wherein a reminder is an electronic message which includes a reminder time and date and a reminder text which reminds a user of the terminal that an action should be taken as indicated in the text, and wherein the reminder application causes the terminal to generate an alarm alerting

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a user of the terminal that the action should be taken when the time and date of any reminder is reached, comprising:

manually entering characters into a text editor of the handportable wireless communication terminal for providing the reminder text (Column 6, Lines 48-55);

entering time information into a time entry for setting the reminder time (Column 7 Line 60 – Column 8 Line 10);

providing real time clock information from a clock application (Column 7 Line 60 – Column 8 Line 10);

comparing the time information with the real time clock information (Column 7 Line 60 – Column 8 Line 10);

alerting a user of the terminal with an alarm when the real time clock has reached the reminder time and date (Column 7 Line 60 – Column 8 Line 10, and Column 7, Lines 8-10).

Kumar does not specifically teach entering characters via an alphanumeric key pad of the wireless mobile communication terminal and entering time information via the alphanumeric key pad. King teaches entering characters via an alphanumeric key pad of the wireless mobile communication terminal and entering time information via the alphanumeric key pad (See Figure 1B). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kumar with the teachings of King and include an alphanumeric keypad for entering text with the motivation to provide the user a simpler method of entering data.

In regards to claim 17, which is dependent on claim 16, Kumar teaches that the alerting comprises display of the reminder text (Column 7 Line 60 – Column 8 Line 10, and Column 7, Lines 8-10).

As per independent claim 18, Kumar teaches a handportable wireless communication terminal, comprising:

a control unit (See Figure 1),

a user interface including a display means and text input means with said user interface being controlled by the control unit for generating reminders wherein a reminder is an electronic message which includes a reminder time and date and a reminder text which reminds a user of the terminal that an action should be taken as indicated in the text and which causes the terminal to generate an alarm alerting a user of the terminal that the action should be taken when the time and date is reached (Column 7 Line 60 – Column 8 Line 10, and Column 7, Lines 8-10),

memory storing a clock application controlled by the control unit and having a clock function and a storing a reminder application which the display can present (Column 7 Line 60 – Column 8 Line 10, and Column 7, Lines 8-10), the reminder application including a text editor window in which the user through the user interface enters a reminder text label (Column 7 Line 60 – Column 8 Line 10, Column 7, Lines 8-10, and Figure 1, Element 81), and a time entry window in which the user through the user interface enters a date and time for the reminder text is displayed by the (Column 7 Line 60 – Column 8 Line 10, and Column 7, Lines 8-10), and an alert unit that generates an alarm which alerts the user when the clock reaches the entered date and

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time for the reminder (Column 7 Line 60 – Column 8 Line 10, and Column 7, Lines 8-10);

and wherein the handportable communication terminal does not provide a calendar application (there is no calendar in Kumar).

Kumar does not specifically teach an alphanumeric key pad. King teaches an alphanumeric key pad (See Figure 1B). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kumar with the teachings of King and include an alphanumeric keypad for entering text with the motivation to provide the user a simpler method of entering data.

As per claim 19, which is dependent on claim 18, Kumar teaches a clock application providing real time clock information to the reminder application, and said reminder application displays a reminder note when the real time clock has reached the reminder time (Column 7 Line 60 – Column 8 Line 10, and Column 7, Lines 8-10).

As per claim 20, which is dependent on claim 18, Kumar teaches that the reminder application provides the user access to add new reminders, view all existing reminders, and erase existing reminders (Column 7 Line 51 – Column 8 Line 22).

In regards to claim 30, Kumar teaches one or more computer readable media in a wireless mobile communication terminal, the computer readable media storing computer executable instructions to perform a method of handling reminders in the wireless mobile communication terminal, wherein a reminder is an electronic message which includes a reminder time and data and a reminder text, said method comprising:

receiving characters input by a user into a text editor of the wireless mobile communication terminal for providing the reminder text, said text editor stored in a limited memory of the wireless mobile communication terminal, wherein said limited memory stores a reminder application, while not storing a calendar application (Column 6, Lines 48-55);

receiving time information input by the user into a time entry for setting the reminder time (Column 7 Line 60 – Column 8 Line 10);

comparing the time information with a real time clock of the wireless mobile communication terminal (Column 7 Line 60 – Column 8 Line 10, and Column 7, Lines 8-10); and

alerting a user of the wireless mobile communication terminal with an alarm when the real time clock has reached the reminder time and date, thereby reminding a user of the wireless mobile communication terminal that an action should be taken as indicated in the text (Column 7 Line 60 – Column 8 Line 10, and Column 7, Lines 8-10).

Kumar does not specifically teach input into a text editor by a user via an alphanumeric key pad of the wireless mobile communication terminal. King teaches input into a text editor by a user via an alphanumeric key pad of the wireless mobile communication terminal (See Figure 1B). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kumar with the teachings of King and include an alphanumeric keypad for entering text with the motivation to provide the user a simpler method of entering text.

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Claim 31 is similar in scope to claim 30; therefore it is rejected under similar rationale.

Claim 37 is similar in scope to claim 16; therefore it is rejected under similar rationale.

Claims 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumar (US 5648760) in view of King et al. (US 6011554) further in view of Alperovich et al. (US 6119014) further in view of Nokia 6100 User's Guide, 9351506, Issue 2

("Nokia," http://nds1.nokia.com/phones/files/guides/6110_usersguide_en.pdf, June 7th, 1998).

As per claim 21, which is dependent on claim 18, Kumar and King teach all the limitations of claim 18. Kumar and King do not teach that the reminder application allows the user to transmit the reminder to a remote second communication terminal via a wireless communication network. However Kumar does teach the use of a modem to transfer information (Column 8, Lines 27-33). Alperovich teaches, "The SMS Service Center 360 can have a SMS-org application 370 located therein, which can receive the SMS messages 320 and associated reminder indicators 315 from the originating subscriber 380 and store them in a memory 375 within the SMS Service Center 360 until the time associated with the reminder indicator is reached. Thereafter, the SMS Service Center 360 can send the SMS message 320 to the MS 300 for display on the MS display 304." (Column 4, Line 66). It would have been obvious to one of ordinary skill in the art to modify Kumar with the teachings of Alperovich and

include a reminder transmitting mechanism to other units with the motivation to provide the user with a convenient method of reminding others of tasks that need to be accomplished (See Column 3, Line 15).

Kumar-King- Alperovich do not teach a terminal wherein the reminder application upon receiving instructions to send a reminder requests the user to enter a phone number of the second communication terminal which is to receive the reminder. Nokia teaches a terminal wherein the reminder application upon receiving instructions to send a reminder requests the user to enter a phone number of the second communication terminal which is to receive the reminder (page 53, column 2, lines 1-4). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kumar-King- Alperovich with the teachings of Nokia and include a way of requesting the user to enter a phone number of the second communication terminal which is to receive the reminder with the motivation to provide user a convenient method of contacting other users.

As per claim 22, which is dependent on claim 18, Kumar-King- Alperovich and Nokia teach all the limitations of claim 21. Nokia further teaches a terminal wherein the reminder application allows the user to search for the phone number of the second communication terminal in an internal phone number database of the transmitting terminal (page 20, column 1, lines 16-24, *user can search a phone number database to find phone numbers*).

As per claim 23, Kumar, Alperovich and Nokia teach all the limitations of claim 21. Nokia further teaches that the reminder application allows the user to inspect a

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reminder received from a remote second communication terminal via a wireless communication network (page 53, column 2, lines 1-5, *reminders can be sent as messages* and page 32, column 1, lines 6-15, *messages can be received on handportable device*).

As per claim 24, Kumar, Alperovich and Nokia teach all the limitations of claim 21. Nokia further teaches that the reminder application furthermore allows the user to save or discard a reminder received from a remote second communication terminal (page 32, column 2, lines 7-10 and page 32, column 1, lines 15-25).

Claims 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumar (US 5648760) in view of King et al. (US 6011554) in view of Alperovich et al. (US 6119014) in view of Nokia 6100 User's Guide, 9351506, Issue 2

("Nokia," http://nds1.nokia.com/phones/files/guides/6110_usersguide_en.pdf, June 7th, 1998) further in view of Mercer et al. ("Mercer," US006167429A).

As per claim 25, which is dependent on claim 21, the teachings of Kumar, King, Alperovich, and Nokia in regards to claim 21 have been discussed above. Kumar, King Alperovich, and Nokia do not explicitly disclose that the reminders are transferred via the wireless communication network included in a message according to the Smart Messaging Specification.

Mercer teaches that the reminders are transferred via the wireless communication network included in a message according to a smart messaging

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specification (column 1, lines 38-48). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Kumar, Alperovich, and Nokia with a means to send communications according to the Smart Messaging Specification, as taught by Mercer, with the motivation to enable access to a range of text based services from a mobile phone and therefore provide the user with more options for communication (column 1, lines 41-42).

Claims 26-29 are similar in scope to claim 25, and are therefore rejected under similar rationale.

Claims 32-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumar (US 5648760) in view of King et al. (US 6011554) further in view of Alperovich et al. (US 6119014).

In regards to claim 32, Kumar-King teach all the limitations of claim 16. They do not teach a method comprising the step of transmitting the reminder to a remote second communication terminal via a wireless communication network. However Kumar does teach the use of a modem to transfer information (Column 8, Lines 27-33). Alperovich teaches, "The SMS Service Center 360 can have a SMS-org application 370 located therein, which can receive the SMS messages 320 and associated reminder indicators 315 from the originating subscriber 380 and store them in a memory 375 within the SMS Service Center 360 until the time associated with the reminder indicator is reached. Thereafter, the SMS Service Center 360 can send the

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SMS message 320 to the MS 300 for display on the MS display 304.” (Column 4, Line 66). It would have been obvious to one of ordinary skill in the art to modify Kumar-King with the teachings of Alperovich and include a reminder transmitting mechanism to other units with the motivation to provide the user with a convenient method of reminding others of tasks that need to be accomplished (See Column 3, Line 15).

In regards to claim 33, which is dependent on claim 32, Kumar teaches that the alerting comprises display of the reminder text (Column 7 Line 60 – Column 8 Line 10, and Column 7, Lines 8-10).

Claim 34 is similar in scope to claim 32, and is therefore rejected under similar rationale.

In regards to claim 35, which is dependent on claim 34, Kumar teaches that the clock application provides real time clock information to the reminder application and the reminder application displays a reminder note when the real time clock has reached the reminder time (Column 7 Line 60 – Column 8 Line 10, and Column 7, Lines 8-10).

In regards to claim 36, which is dependent on claim 34, Kumar teaches that wherein the reminder application provides the user access to add new reminders, view all existing reminders and erase existing reminders (Column 7 Line 51 – Column 8 Line 22).

Response to Arguments

Applicant's arguments with respect to claims 16-37 have been considered but are moot in view of the new ground(s) of rejection.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Pesin whose telephone number is (571) 272-4070. The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BP

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